

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 14, 2016

Agenda Item: Authority to Prohibit Floating near Supply Ditch on the Bitterroot River Biennial Rule

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background

In 2011, the Bitterroot River shifted flow into a new stream channel and over the Supply Ditch Diversion. The diversion now has a deceptive hydraulic that is dangerous to floaters. After accidents were reported 2011 FWP placed signs at access sites and on the river to warn of the danger. Despite educational efforts, however, several more accidents and one fatality occurred in 2013. Additional notice followed using signs and newspaper articles. There were no more accidents in 2013, but in spring 2014, at least two more accidents occurred and by April, FWP initiated an emergency rule closure for user safety on a five-mile section of the Bitterroot River, from Woodside Crossing FAS downstream to Tucker Crossing (West) FAS. In 2015, FWP asked for the authority to close the river if certain criteria were reached. The river was never closed in 2015 because the West Channel of the Bitterroot was floatable. FWP is taking steps to avoid closure but the potential need remains in 2016 and 2017. If the dam is successfully repaired, the rule would be retracted as soon as it is safe to do so.

Public Involvement Process & Results

Public comment was collected from Nov. 13 until Dec.18. A public meeting was held in Hamilton on Dec.1. A total of 17 comments were received, two of which were not applicable. The proposed biennial rule was supported by 35 percent of those who commented. The rule was opposed by 53 percent of those who commented. Opposition generally involved concern about closing rivers to public use in principle, regardless of the motivations for considering such closures.

Alternatives and Analysis

- Alternative 1: Adopt the rule to allow closure to floating and boating if needed. Closure may be needed if: (1) other channels are not available to get around the dam; (2) high water washes away signs and/or alter conditions at the dam; and (3) modifications can be made to the structure.
- Alternative 2: Do not adopt the biennial rule.

Agency Recommendation & Rationale

FWP recommends adoption of the rule because FWP can't be certain outreach alone will adequately protect public safety. High flows may change river conditions and destroy signs, and posted information may not accurately reflect rapidly changing conditions at the dam. The ability to close all or a portion of the river from Woodside to Tucker FAS would greatly enhance public awareness of this dangerous and potentially rapidly changing hazard. There is also a process moving forward to repair the structure in 2016 and 2017 and a closure would be necessary to complete that work. At this time we anticipate that construction to repair the structure will occur in the fall of 2016. Any floating closure would be intended to best meet public safety objectives, while minimizing the length of time and the length of river affected. If the dam is successfully repaired, the rule would be retracted as soon as it is safe to do so.

Proposed Motion

I move that the Commission adopt the biennial rule to allow FWP to close the Bitterroot River to floating and boating, if necessary for user safety and/or possible repair from Woodside to Tucker FAS.